IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2329 OF 2005

Transport Corporation of India Ltd. ...Appellant
vs.
Jindal Iron & Steel Co.Ltd. & Anr. ...Respondents

Mr.Panikar i/b Mr.Ajay Panicker for the Appellant
Ms Mansi Joshi i/b Mr.Sampal for Respondent No.2.

CORAM: A.S.OKA,J.
DATE : JANUARY 25,2007.

P.C.:

1. Heard Advocate for the Appellant. Clause 4 of the order dated 24th July 2006 reads thus :

"4. Issue notice to the Appellant calling upon the Appellant to show cause as to why power under sub Rule 3 of Rule of Order XLI of the Code of Civil Procedure, 1908 should not be exercised by directing the Appellant to deposit entire decretal amount. Notice is made returnable on 29th August 2006. The Advocate for the Appellant waives service of the said notice."

2. Till today no reply has been filed to the show cause notice. The impugned decree is a money decree and therefore, compliance has to be made with sub rule 3 of Rule 1 of Order XLI of the said Code unless sufficient cause is shown for making a departure from the rule. No reply has been filed by the Appellant. The Appellant is directed to deposit the decretal amount in the Trial Court within a period of four months from today. If the decretal amount is deposited with the Trial Court, the Trial Court will invest the same in fixed deposit in any nationalised bank till further orders are passed by this court.

JUDGE